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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,616	12/24/2003	Thayer A. Coburn	716042.13	1615

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EXAMINER	
MILIA, MARK R	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/707,616	COBURN, THAYER A.	
	Examiner	Art Unit	
	Mark R. Milia	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) *1-10 and 27-29* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-26 and 30-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 December 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species 1 out of the Species Group I and Species 1 out of the Species Group II in the reply filed on 3/9/06 is acknowledged. The traversal is on the ground(s) that the non-elected Species are closely related to the elected Species claims since the Species claims are directed to a process for creating a label for a product utilizing a computer system. This is not found persuasive because a search for all of the inventions would require a search in at least two distinct areas, security verification and address information storage. Therefore, a search for all the inventions would clearly be an undue burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 13, reference number "560". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 5, reference number '208" and Fig. 6, reference number "222". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because in Fig. 13, reference number "577" should be "572". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: In paragraph 46 line 8, "9B" should read "9A". Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 11-26 and 30-39 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5585156 to Fontana in view of U.S. Patent Application Publication No. 2004/0138905 to Stinson et al.

Regarding claim 11, Fontana discloses a process for creating a label for a product utilizing a computer system comprising: selecting information for a fabric label, having a top side and a bottom side, wherein at least the top side of the fabric label includes general product information that is applicable to a plurality of products (see Figs. 2 and 3, column 3 lines 47-51, and column 4 lines 3-5), selecting specific product information that is directed to a single product from the database that can be utilized with the selected fabric label (see Fig. 2 and column 4 lines 22-24, and 62-66), loading the selected fabric label into a printer, wherein the selected fabric label has been printed by a printing press with the previously selected general product information that is applicable to a plurality of products (see Fig. 2 and column 4 lines 3-34 and 62-66), and printing the specific product information that is directed to a single product onto the top side of the fabric label with the printer (see Fig. 2 and column 4 lines 22-24, and 62-66).

Fontana does not disclose expressly selecting information for a fabric label from a computer database.

Stinson discloses selecting information for a fabric label from a computer database (see paragraphs 18-20 and 52-54).

Regarding claim 24, Fontana discloses a process for creating a fabric label for a mattress utilizing a computer system comprising: selecting information for a mattress

fabric label, having a top side and a bottom side, wherein at least the top side of the mattress fabric label includes general information that is applicable to a plurality of mattresses (see Figs. 2 and 3, column 3 lines 47-51, and column 4 lines 3-5), selecting specific mattress information that is directed to a single mattress that can be utilized with the selected mattress fabric label (see Fig. 2 and column 4 lines 22-24, and 62-66), loading the selected mattress fabric label into a printer, wherein the selected mattress fabric label has been printed by a printing press with the previously selected general information that is applicable to a plurality of mattresses (see Fig. 2 and column 4 lines 3-34 and 62-66), and printing the specific information that is directed to a single mattress onto at least a portion of the top side of the mattress fabric label with the printer (see Fig. 2 and column 4 lines 22-24, and 62-66).

Fontana does not disclose expressly selecting information for a fabric label from a computer database.

Stinson discloses selecting information for a fabric label from a computer database (see paragraphs 18-20 and 52-54).

Regarding claim 26, Fontana discloses a process for creating a fabric label for a mattress utilizing a computer system comprising: selecting information for a mattress fabric label, having a top side and a bottom side, wherein at least the top side of the mattress fabric label includes general information that is applicable to a plurality of mattresses (see Figs. 2 and 3, column 3 lines 47-51, and column 4 lines 3-5), selecting specific mattress information that is directed to a single mattress that can be utilized with the selected mattress fabric label (see Fig. 2 and column 4 lines 22-24, and 62-66),

loading the selected mattress fabric label into a laser jet printer, wherein the selected mattress fabric label has been printed by a printing press with the previously selected general information that is applicable to a plurality of mattresses (see Fig. 2 and column 4 lines 3-34 and 62-66), and printing the specific information that is directed to a single mattress onto at least a portion of the top side of the mattress fabric label with the laser jet printer (see Fig. 2 and column 4 lines 22-24, and 62-66).

Fontana does not disclose expressly selecting information for a fabric label from a computer database.

Stinson discloses selecting information for a fabric label from a computer database (see paragraphs 18-20 and 52-54).

Fontana & Stinson are combinable because they are from the same field of endeavor, printing of custom label fabrics.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the database of fabric label information, as described by Stinson, databases are well known and commonly used in the art, with the system of Fontana.

The suggestion/motivation for doing so would have been to provide a plurality of general product information to be stored and used as deemed appropriate by the manufacturer, as well as allowing for changes to be made to the general product information when deemed necessary.

Therefore, it would have been obvious to combine Stinson with Fontana to obtain the invention as specified in claims 11, 24, and 26.

8. Regarding claim 30, Fontana discloses a process in a computer system for displaying and printing a product label comprising: loading a fabric label into a printer, wherein the fabric label has been printed by a printing press with the previously selected general product information that is applicable to a plurality of products on the top side and at least a portion of the top side of the selected fabric label has a toner receptive coating (see Fig. 2 and column 4 lines 3-34 and 62-66), and printing the specific product information that is directed to a single product onto at least a portion of the toner receptive coating for the selected fabric label with the printer (see Fig. 2 and column 4 lines 22-24, and 62-66).

Fontana does not disclose expressly displaying a plurality of fabric labels having general product information that is applicable to a plurality of products on at least one electronic display, selecting one fabric label, having a top side and a bottom side, from the plurality of previously displayed fabric labels, and displaying a plurality of specific product information that is directed to a single product for the selected fabric label on the at least one electronic display.

Stinson discloses displaying a plurality of fabric labels having general product information that is applicable to a plurality of products on at least one electronic display (see Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48, and 52-54), selecting one fabric label, having a top side and a bottom side, from the plurality of previously displayed fabric labels (see Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48, and 52-54), and displaying a plurality of specific product information that is directed to a

single product for the selected fabric label on the at least one electronic display (see Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48, and 52-54).

Regarding claim 34, Fontana discloses a process in a computer system for displaying and printing a product label comprising: loading a fabric label into a laser jet printer, wherein the fabric label has been printed by a printing press with the previously selected general product information that is applicable to a plurality of products on the top side and at least a portion of the top side of the selected fabric label has a toner receptive coating (see Fig. 2 and column 4 lines 3-34 and 62-66), and printing the specific product information that is directed to a single product onto at least a portion of the toner receptive coating for the selected fabric label with the laser jet printer (see Fig. 2 and column 4 lines 22-24, and 62-66).

Fontana does not disclose expressly displaying a plurality of fabric labels having general product information that is applicable to a plurality of products on at least one electronic display, selecting one fabric label, having a top side and a bottom side, from the plurality of previously displayed fabric labels, and displaying a plurality of specific product information that is directed to a single product for the selected fabric label on the at least one electronic display.

Stinson discloses displaying a plurality of fabric labels having general product information that is applicable to a plurality of products on at least one electronic display (see Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48, and 52-54), selecting one fabric label, having a top side and a bottom side, from the plurality of previously displayed fabric labels (see Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48,

and 52-54), and displaying a plurality of specific product information that is directed to a single product for the selected fabric label on the at least one electronic display (see Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48, and 52-54).

Regarding claim 35, Fontana discloses a process in a computer system for remotely displaying and printing a product label comprising: loading a fabric label, having a top side and a bottom side, into a printer at the first location, wherein the fabric label has been printed by a printing press with the previously selected general product information that is applicable to a plurality of products and at least a portion of the top side selected fabric label has a toner receptive coating (see Fig. 2 and column 4 lines 3-34 and 62-66) and printing the specific product information that is directed to a single product onto at least a portion of the toner receptive coating for the selected fabric label with the printer, at the first location (see Fig. 2 and column 4 lines 22-24, and 62-66).

Fontana does not disclose expressly accessing a first plurality of electronic files through a global computer network, at a first location, with each electronic file having general product information that is applicable to a plurality of products that is capable of being conventionally printed on a fabric label with a printing press at a second location and accessing a second plurality of electronic files through a global computer network, at the first location, with each file directed to specific product information.

Stinson discloses accessing a first plurality of electronic files through a global computer network, at a first location, with each electronic file having general product information that is applicable to a plurality of products that is capable of being conventionally printed on a fabric label with a printing press at a second location (see

Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48, and 52-54) and accessing a second plurality of electronic files through a global computer network, at the first location, with each file directed to specific product information (see Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48, and 52-54).

Regarding claim 39, Fontana discloses a process in a computer system for remotely displaying and printing a product label comprising: loading a fabric label, having a top side and a bottom side, into a laser jet printer at the first location, wherein the fabric label has been printed by a printing press with the previously selected general product information that is applicable to a plurality of products and at least a portion of the top side selected fabric label has a toner receptive coating (see Fig. 2 and column 4 lines 3-34 and 62-66) and printing the specific product information that is directed to a single product onto at least a portion of the toner receptive coating for the selected fabric label with the laser jet printer, at the first location (see Fig. 2 and column 4 lines 22-24, and 62-66).

Fontana does not disclose expressly accessing a first plurality of electronic files through a global computer network, at a first location, with each electronic file having general product information that is applicable to a plurality of products that is capable of being conventionally printed on a fabric label with a printing press at a second location and accessing a second plurality of electronic files through a global computer network, at the first location, with each file directed to specific product information.

Stinson discloses accessing a first plurality of electronic files through a global computer network, at a first location, with each electronic file having general product

information that is applicable to a plurality of products that is capable of being conventionally printed on a fabric label with a printing press at a second location (see Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48, and 52-54) and accessing a second plurality of electronic files through a global computer network, at the first location, with each file directed to specific product information (see Figs. 1-4, Table 1, and paragraphs 19, 22, 24-29, 34, 44-48, and 52-54).

Fontana & Stinson are combinable because they are from the same field of endeavor, printing of custom label fabrics.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine selecting one fabric label from a display of a plurality of fabric labels, as described by Stinson, with the system of Fontana.

The suggestion/motivation for doing so would have been to display a plurality of general product information to be stored and used as deemed appropriate by the manufacturer, as well as allowing for changes to be made to the general product information when deemed necessary.

Therefore, it would have been obvious to combine Stinson with Fontana to obtain the invention as specified in claims 30, 34, 35, and 39.

Regarding claims 12, 25, 31, and 36, Fontana further discloses wherein the printer includes a laser jet printer (see Fig. 2 "22").

Regarding claims 13, 32, and 37, Fontana further discloses wherein at least a portion of the top side of the fabric label includes a toner receptive coating (see column 3 lines 59-60).

Regarding claims 14, 33, and 38, Fontana further discloses wherein the printing of the specific product information that is directed to a single product, onto at least a portion of the top side of the fabric label that includes the toner receptive coating, is with the laser printer (Fig. 2, column 3 lines 59-60, and column 4 lines 3-34 and 62-66).

Regarding claim 15, Stinson further discloses wherein the computer database is accessible through a global computer network (see Fig. 1 and paragraph 23).

Regarding claim 16, Stinson further discloses wherein the global computer network includes the Internet (see Fig. 1 and paragraph 23).

Regarding claim 17, Stinson further discloses wherein specific information that is directed to a single product includes a formatted document file (see paragraphs 39 and 41).

Regarding claim 18, Stinson further discloses wherein the formatted document file includes a Portable Document Format file (see (see paragraphs 39 and 41).

Regarding claim 19, Stinson further discloses wherein each user to the system can provide account information consisting of an input for a login (see Fig. 3 "300" and paragraph 44).

Regarding claim 20, Stinson further discloses controlling access to the specific information that is directed to a single product from the database so that different users

can only create product labels that have been authorized for each particular user (see Fig. 3 and paragraphs 44-48).

Regarding claim 21, Stinson further discloses wherein information for each authorized user can be established in a subaccount consisting of an input for a login (see Fig. 3 "300" and paragraph 44).

Regarding claim 22, Stinson further discloses wherein each user can be selectively provided access to formatted document files having the specific product information, wherein each formatted document file is directed to a specific product (see paragraphs 26-27, 39, and 41).

Regarding claim 23, Fontana further discloses wherein the selected fabric label was printed by the printing press at a first location and the selected fabric label was printed by the laser printer at least one second location (see Fig. 2 and column 4 lines 3-34 and 62-66).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
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SUPERVISORY PATENT EXAMINER